

FINAL RESULTS EDITION. GREEN EDITION

# \$5,000,000 FAILURE IN WALL STREET COURT STAGGERS HAINS DEFENSE

The



World.

FINAL RESULTS EDITION

WEATHER—Fair to-night; Sunday cloudy.

PRICE ONE CENT.

NEW YORK, SATURDAY, DECEMBER 26, 1908.

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## H. W. POOR'S FIRM FAILS, LIABILITIES \$5,000,000

Banker, Friend of J. P. Morgan, Announces Assignment to Mark T. Cox.

LONG A SOCIETY LEADER

Has Fine Residence in This City and Great Country Home at Tuxedo.

Henry W. Poor, long regarded as one of New York's biggest financiers, failed today. His banking and brokerage concern, known as H. W. Poor & Co., with offices at No. 33 Wall street, made an assignment to Mark T. Cox, of the firm of Robert Winthrop & Co., for his creditors, without preference. It is estimated that the liabilities will total upward of \$5,000,000.

This is one of the largest failures that has shaken the financial district for a decade. Henry W. Poor was not only looked upon as one of the money kings of America, but his family has long held a high social position. His two magnificent homes—one the old Cyrus W. Field mansion at No. 1 Lexington avenue and the other a stone chateau at Tuxedo—have been gathering places of the ultra-fashionable for years.

**Statement for the Assignee.**  
Lawyers representing three of Mr. Poor's largest creditors made an effort this afternoon to present a bankruptcy petition to a Federal Judge, but could find none sitting. After the posting of a preliminary statement of the assignment on the door of the H. W. Poor & Co.'s offices at No. 33 Wall street at 10:30 o'clock this morning, the following announcement was made by John L. Cadwalader, of Strong & Cadwalader, representing the assignee, and Lewis L. Deland, of Hawkins & Deland, representing certain large creditors:

"H. W. Poor, transacting business in the State of New York, has made a general assignment for the benefit of creditors to Mark T. Cox, of Robert Winthrop & Co. There are no preferences beyond such as the statute gives to employees."

**Partners All Withdraw.**  
The entire bulk of the failure is borne by Mr. Poor, his former partners having withdrawn from the firm. The support of their capital was also withdrawn. It was said by one of the creditors' lawyers after the announcement of the assignment, Mr. Poor was the head member of the old concern of Poor & Greenough and has been a member of the Stock Exchange since 1899.

His former partner was John Greenough, at one time a director with Charles T. Barney, C. W. Morse and others of the American Ice Company. When this partnership was dissolved, the firm of H. W. Poor & Co. was organized. The partners—all of whom have withdrawn—were Henry W. Poor, a son of Henry W. Poor, William N. Phoenix, Franklin W. Hunt, Charles F. Cushman and Frederick A. Farrar.

Had it not been for the fact that the Stock Exchange was closed to-day the announcement of the failure would undoubtedly have been reflected in the condition of the market. Coming just before the January settlement, the crash was considered as of grave significance.

## WOMAN IDENTIFIES YOUTHS AS PAIR WHO BOUND AND GAGGED

Detectives Who Saw East Siders Acting Like "Men in Bare Feet on a Red-Hot Stove" Satisfied by Having Couple Held as Assailants.

David Solomon, eighteen years old, of No. 14 Ludlow street, and Morris Stein, nineteen years old, of No. 225 Henry street, were held in \$5,000 bail for the Grand Jury on a charge of robbery by Magistrate Droege, in the Essex Market Court this afternoon. They were also held in \$1,000 bail each for Special Sessions for carrying concealed weapons.

On Dec. 11 Mrs. Dora Goldman, of No. 130 Essex street, was attacked by two young men, being hit several times on the head with the butt of a revolver, and was gagged and bound to a chair, the two intruders then tearing diamond earrings from her ears and stealing \$365 from a bag the woman wore in her bosom.

Detectives Raphael and Bloom arrested Solomon and Stein and on each was

## WALKER CLIPS A FRACTION OFF WORLD'S 100-YARD MARK

South African Champion Runner Makes Record of 9 2-5 and Wins 120 Yards in the Remarkable Time of 11 2-5.

JOHANNESBURG, South Africa, Dec. 25.—Walker, the South African runner, did some excellent work and broke a record here to-day in short sprints at the Wanderers sports. He made 100 yards in 9 2-5 seconds. This equals his time made at Abercromby, England, last August, and it is 1-5 of a second less than the previous record made by

## TWO BOY SKATERS DROWN AS COMPANIONS TRY TO SAVE THEM

Broke Through the Ice on Lake in Connecticut and All Efforts to Rescue Them Fail—Disappeared While Others Watched for Them.

NEWTON CITY, Conn., Dec. 25.—A double drowning occurred here to-day when Robert Jeffrey, aged seventeen, and Hector Gings, fifteen, broke through the ice while skating on a lake

## ASHPILE COUCH FATAL TO TWO TIRED WORKMEN

Third Man Found Overcome on Heap Which Sent Out Poisonous Gases.

Two employees of the Millard Construction Company, the firm which is driving the Erie cut through Bergen Hill, Jersey City, were found dead this morning on an ash heap behind a commissary shed at No. 250 Tonnele avenue.

They had thrown themselves down on the warm pile to sleep, and gas arising from the hot ashes underneath had asphyxiated them. A third man was found in a dying condition a few feet from where the dead men lay. It has been a custom since the cold weather set in for the workmen employed on Bergen Hill to seek the warm ashes for a nap after coming out of the cut. Lying down on the ashes, they pull an overcoat over themselves and sometimes sleep for several hours, or the greater part of the night. From time to time they have been warned that poisonous gases often rise up through warm ashes, and that many persons have lost their lives in that way.

The two dead men were known only as No. 480 and No. 484. Their bodies were taken to Hughes's Morgue. The third man, who was in dying condition, was known as No. 473. He was removed to the City Hospital.

## COURTS COME TO AID OF MOVING PICTURE MEN

Justices Gaynor and Blackmar Restrain Police From Enforcing Mayor's Order.

TO HEAR CASE MONDAY.

Corporation Counsel's Office Tells the Police What Is a Legal Sunday Show.

Gustavus A. Rogers, attorney for the Moving Picture Association, announced this afternoon that he had obtained an injunction restraining the enforcement of Mayor McClellan's order authorizing the police to close up the moving picture shows.

He said that Supreme Court Justices Gaynor and Blackmar in Brooklyn had signed the injunction. Four test cases were presented, one by the People's Vaudeville Company, one by the International Amusement Company, another by the William Fox Amusement Company and the fourth was anonymous. Justice Blackmar signed the International Amusement Company's case and Justice Gaynor the other three. There will be a hearing on the case on Monday.

Corporation Counsel Pendleton, in an opinion given out this afternoon as to what may and may not be given as a Sunday show, said:

"An orchestra or other instrumental or vocal selections, but not in connection with any theatrical exhibition nor in costume; lectures and recitations, forming no part of any theatrical piece; moving pictures illustrating lectures of an instructive or educational character."

Regarding those prohibited, Mr. Pendleton said:

"Singing in costume, moving pictures, giving a play or a part of a play; theatrical sketches; rope dancing; acrobatic performances, and all other kinds of dancing."

Before the issuing of the injunction there was a conference between the Commissioner and about two hundred theatre managers at headquarters. There were present managers of nearly every vaudeville house in New York and one Chinaman who runs a moving picture show. Percy G. Williams, president of the New York Theatrical Men's Protective Association, was spokesman for the theatre men.

"I asked you men to come down here in pursuance of a request from the Mayor, who is my commanding officer and whose instructions I will carry out to the letter," was the way the Commissioner opened up the conference.

"I have nothing to say to you moving picture men," he said. "Your hash has already been settled."

**Mayor's Order Read.**  
The following order from the Mayor was then read:

## HARD BLOWS DEALT TO DEFENSE OF THORNTON J. HAINS BY THE COURT

Financier Who Made an Assignment After Long Career in Wall Street



## CZAR'S POLICE CHIEF KILLED IN FURIOUS FIGHT

Number of Cotte's Men Also Fall in Clash With Revolutionists at Moscow.

MOSCOW, Dec. 25.—Baron Cotte, chief of the secret police, was killed and Col. Muraki wounded in a fierce encounter to-day with revolutionists who were entrenched in a suburban villa.

During the fight a number of policemen were also killed and others were wounded. Troops were summoned to the aid of the police and a regular battle ensued.

Artillery had finally to be brought to the scene to bombard the villa before the revolutionists were subdued. The occurrence is the most serious since the uprising of December, 1905. The villa where the fighting took place occupies a strategic position on Elk Island, an inlet in the river near Moscow, that is a favorite summer resort.

The leaders of a revolutionary organization were holding a meeting in the house. The police got wind of the affair and surrounded the villa with the idea of making a number of arrests. As they approached the house the revolutionists opened fire. This resistance was unexpected, and the police withdrew. The infantry were sent for and with this reinforcement a second advance was made.

The police and the soldiers had to retreat a second time, and it was in this encounter that Baron Cotte was killed and Col. Muraki wounded. Several soldiers also lost their lives.

When the artillery appeared a few well directed shots put an end to the trouble. The losses sustained by the revolutionists are not known, but they doubtless are heavy.

## Judge Staggers Lawyers by Saying Prisoner Is Guilty if He Aided and Encouraged the Killing of Annis.

## COULD BE CONVICTED EVEN IF BROTHER WAS INSANE

"Previous Declarations and Acts May Be Taken With Non-Interference as Proof of Criminal Purpose and Design," He Holds.

Because of rulings made by Justice Crane in the Hains trail at Flushing to-day, the outlook for Thornton Jenkins Hains is anything but rosy. While the presentation of the evidence for the prosecution was extremely weak, that weakness is offset by the weakness of the defense as outlined by Joseph Shay of the Hains counsel.

During the course of Mr. Shay's opening remarks for the defense Justice Crane handed him two verbal knockouts in the shape of rulings upon the admissibility of evidence and the standing of the defendant. In the first place the Court ruled out all the story of the relations between Mrs. Hains and Annis except as to what Peter C. Hains and Thornton Hains heard or said about Mrs. Hains and what effect it had on the captain's mind. Any statement or evidence as to what Annis may have done in so far as such statements may be advanced by the defense as justification for the murder is held by Justice Crane to be inadmissible.

Further than that, Justice Crane held that, although Capt. Peter C. Hains should be adjudged insane and therefore innocent of wilful murder, Thornton Hains might be guilty as a principal of murder in the first degree for the part he played in the tragedy.

Because the Justice refused to let Shay tell any of the unsavory details of William Annis's alleged intrigues with Claudia Hains, the wife of Capt. Peter Hains, and because he was stopped every time he tried to inject argument or conclusions into his opening, his speech as a whole was a failure.

**To Depend on Hains's Story.**  
Summed up, it finally developed from Mr. Shay's confused statements that Thornton Hains rests his hopes of dodging the chair upon a series of somewhat disconnected claims, most of which he can only name—if he does prove them by his own unsupported word, in direct contradiction of what a number of reputable men have already stated under oath.

He will seek to explain his carrying of a revolver strapped around his waist in a holster in what he says was a peaceful and proper errand by the claim that he meant to take his insane brother Peter out in a motor boat ride and carried along the gun under his coat so that in case of a breakdown or an attack by river pirates he would be prepared either to signal for help or repel boarders.

He will say that it was a chance meeting with a man who manages a concrete plant—the Hains family is interested in concrete plants—that caused the abandonment of the motor boat ride and sent the brothers to Bayside to look at real estate at a time when Annis, the object of Peter Hains's insane hatred, so alleged, happened to be there. It is this mixer of concrete, as yet unidentified by name, who is expected to furnish confirmation for this.

**Aged Parents to Testify.**  
In his opening Shay skipped lightly over the uncontroverted statement that he lugged around the yacht landing for twenty minutes after he found out that the real estate dealer, Bugz, was not there, and that Annis was. What he did say was that Thornton Hains would claim that his brother got beyond his sight, behind the wall of Annis's boat, and began shooting before he realized that the tragedy was even impending; that after Peter Hains had been seized and disarmed by John Tonnung Thornton Hains believed his crazed brother was in danger of mob violence and only drew his pistol to protect Capt. Hains and maintain order until the police arrived.

For all of this it will be Thornton Hains's word against the word of Mrs. Annis and the words of ten members of the Bayside Yacht Club and two of its employees.

Either through confusion or purposely Mr. Shay made an amazing admission when he said that Thornton Hains did

## ROOSEVELT SAYS HE CANNOT TAKE UP GOMPERS CASE

No Chance to Intervene While Jail Sentence Cases Are Before the Court.

WASHINGTON, Dec. 25.—In an official statement issued at the White House to-day in regard to Presidential interference in the cases of President Gompers, Vice-President Mitchell and Secretary Morrison, of the American Federation of Labor, now under sentence for contempt of court, attention is called to the fact that the cases are still before the courts and that no matter what the President's opinion may be as to the justice of the sentences imposed, he cannot take any action looking to pardon or express an opinion as to the merits of the cases. The text of the statement follows:

"Various appeals have been made to the President to interfere by pardons in the case of Mr. Gompers and his associates. Those making the appeals are unaware of the fact that the matter is still before the courts. It is a civil suit between private parties and there has been no way by which the Government could have intervened even if it had desired to do so. When the decision is made, then the President can promptly consider whether the terms of imprisonment are excessive or improper. But it is, of course, impossible for the President to act while an appeal is pending."

"If the defendants see fit to abandon their appeal the matter will then, of course, be brought before the Executive, in which case it will receive immediate and most careful consideration. The President has already instructed the Department of Justice to keep him fully informed as to the progress of the case so that in the event of its becoming proper for him to act he may have at his disposal all of the facts which will enable him to decide whether there was justification of the sentence, and whether, if there was justification for some punishment, the sentence is or is not altogether too severe."

"But at the present the President has no more to do with the case than with the case of the \$25,000 fine imposed by Judge Landis on the Standard Oil Company, which is also on appeal and concerning which the President has also been repeatedly asked to interfere."

**"JACK" DUNN SIGNS TO LEAD BALTIMORE TEAM.**  
BALTIMORE, Dec. 25.—"Jack" Dunn to-day signed a contract to manage the Baltimore Eastern League baseball club next season. There had been doubt ever since the close of the last season whether Dunn would again be manager, and the matter was not definitely settled until to-day. Dunn at one time was talked of as manager of the Brooklyn National League Club, but the deal fell through.

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Just what you need for New Year's eve, the horn you need for to-morrow's SUNDAY AMERICAN. It makes noise enough to suit anybody, young or old. Get it and join in the celebration. And besides, it's a new song. "Too Long from Season Whistler" Dunn would again be manager, and the matter was not definitely settled until to-day. Dunn at one time was talked of as manager of the Brooklyn National League Club, but the deal fell through.

**HARGIS JURY DISAGREES: NINE**